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TERMS.

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DEATH OF JUDGE STORY.

This eminent man is no more. He died on Wednesday evening, at his residence in Cambridge, at a quarter before nine o'clock. His disease was stoppage of the intestines, or internal strangulation, which two years ago caused the death of HUGH S. LEONARD, Attorney General of the United States, then on a visit to Boston.

JOSEPH STORY was born in 1780. He graduated at Harvard University in 1798. He was appointed Associate Justice of the United States by President Madison in 1811. In addition to the duties of Judge of the Supreme Court, he devoted much of his time to the Cambridge Law School as DANE Professor of Law in Harvard University. His commanding talents as a lawyer, and the peculiar solicitude with which he inquired into the rights of his own mind, gave Harvard Law School a pre-eminence over all other similar institutions.

The fame of STORY was not confined to our country. He had a deservedly high European reputation. His name reflected honor on the high post of honor which he held. JAY, ELLSWORTH, MARSHALL, STORY, and others, have given character to the Court, and made it what the framers of the Constitution intended it to be, the crowning glory of a free and law-abiding people. Few of the great men who have given lustre to the Supreme Court have done so much for the clear exposition of its laws. MARSHALL and STORY rank side by side in this respect. Cool judgment, great learning, firmness of character, strict integrity, a clear head, and a pure heart, rendered him eminently fit for that place, now vacant, and which we fear cannot be filled. A substitute we may find and will have—his equal we cannot expect to find. The loftiness of his intellect, the purity of his gentle spirit, the magic spell with which his conversation charmed his hearers, made him the idol of every circle in which he moved.

But this is neither the time nor place to write his history or his eulogy. While we bow with submission to the overruling will of Providence, we may be permitted to mourn the misfortune of our country in the loss of her brightest jewel—THOMAS BALDWIN, STORY—taken from a single department of our Government in so short a time. Truly we are fallen upon gloomy days, when star after star fades from our horizon, leaving us in comparative darkness to mourn their setting, alas! never again to rise in that sphere where their light is so much needed.—N. Y. Tribune.

THE CHESAPEAKE AND OHIO CANAL.

We learn that the President and Directors of the Chesapeake and Ohio Canal Company held a meeting last week at Frederick, when it was expected that they would have acted upon the proposals before them for the completion of the Canal to Cumberland. Owing to an unavoidable delay in receiving information which was looked for at that meeting, no action was taken on the Friday. The Board, however, will meet again on Monday next, when, we are informed, final action will be taken upon the proposals.

It is understood that the STOCKHOLDERS of the Company will meet again on Tuesday, the 23d instant.

MR. CLAY has returned, in fine health, to his residence near Lexington, from his visit to the Virginia White Sulphur Springs.

RUFUS KING, Esq., late Adjutant General of New York, and editor of the Albany Daily Advertiser, is about to remove from Albany to Milwaukee, where he intends to make his future residence as editor of the "Milwaukee Daily Sentinel."

The wit and industry of the Government Organ at Washington are expending in ridiculing Mexico, holding her spirit and position up to the derision of the world. All this strikes us as in excessively bad taste. MR. POLK is supposed to be, and certainly is capable of venting the official editor's offensive humor. His juvenile enthusiasm in treating the war question needs curbing, and, for the credit of the country, we trust the President will use his authority to that end.—North American.

The Chevalier GASPARD JOZE DE LINDAO, Minister of Brazil, was on Friday presented, in due form, by the Secretary of State to the President of the United States, in his new capacity of Envoy Extraordinary and Minister Plenipotentiary from the Court of Brazil. The most courteous salutations were exchanged between the President and the Minister, and the kindest wishes expressed, in the name of their respective countries, for the continuance of the friendly relations which at present subsist between the United States and Brazil, and the most cordial acknowledgments of the kind feelings which had always existed between the President and the Minister were expressed between them.—Union.

LAND GRANTING IN GEORGIA.

The Georgia Journal of the 9th instant says: The last week at the Capital has been one of great excitement. To the astonishment of our citizens, at least four or five hundred persons, from every section of the State, on Tuesday last, presented themselves to apply for reverted lands. About four thousand applications were made, and it took the Treasury, with the assistance of four clerks, near two days to receive the money and the applications. When this was over, the lists for the drawing had to be made, and upon them ten clerks immediately went to work, and by working night and day, finished them, so that the lottery commenced on Friday afternoon, was continued until near midnight on Saturday night, and it closed on yesterday about twelve o'clock M. Never before, in the same length of time, was there so large an amount of business disposed of in the State House. The grants are now passing with great rapidity, and will all in ten or twelve days be recorded and ready for delivery to the fortunate drawers or their agents.

The Editor of the Philadelphia Gazette, in his own happy way, crowds a whole chapter of horticultural wisdom into the following lines:

"We said yesterday that every body ought to have a grape vine, and, of course, every body will try to have one after this. We now add another duty: every body should have a peach tree that can find ground enough in his occupancy to sustain one."

THE UNITED STATES AND MEXICO.

The following is a complete copy of the Governmental Manifesto, alluded to in our last as having been published in the official paper of Thursday night (Friday morning) week; which we place here by itself, for the reader's separate perusal, placing our comments upon it on this last page.

FROM THE "DAILY UNION," DATED SEPTEMBER 11.
MEXICO AGAIN.—The warmest eulogy of self-administration is wholly insufficient to satisfy the vanity of presumptuous mortals. In vain has the Spanish Cervantes ridiculed all headless gallantry for bloodless ends; for adventurous Quixotes continue to enter the lists, and to spatter the arena with their bloody blood. And really, if they would spatter no blood but their own, their daring folly might be safely allowed; but when senseless vanity and loud-mouthed impudence become essential to the acquisition of power, all virtue, patriotism, and merit are deeply concerned in the struggle. From such sorry conductors of national affairs, the lessons of experience pass heedlessly away. Doomed and sinister beings will listen to nothing, however conducive to the public good, which does not promise the promotion of their earthly aims. In the passes of San Jacinto, the gallant TEXAS, with a feeble force in a fair fight, defeated TEXAS, captured an army of Mexicans, and spared the life of their chief and degraded commander. No man—experience is a cheat, facts liar, and "Charge, Advance, charge!" is still the warlike word of that wretched Republic. To give to the present Quixotic expedition of their heroes the air of superlative chivalry, they undertake alone to march against the whole power of the United States, with Texas to assist us in the battle—war! A brave proceeding, truly, and worthy of all praise, if there was any sense of propriety to support it. But it is so avowed to every dictate of discretion, that it makes even desperation ridiculous. Monsieur Rabelais, the French wit, mentions a giant who swallowed whole windmills, with the most ease, but was at last choked with a lump of fresh butter. Perhaps the Mexican philosophers, well pleased with the discovery, are preparing for us their choking business of fresh butter. But they should remember that this city article, however mischievous in other countries, is harmless here, and rather lubricious than obstructive to the throat. It is possible that these impulsive words have indulged too freely in the extravagances of romance, and aim to suppress the prodigies they so much admire. In "The Pirate" of Walter Scott, Mrs. Yellowhead dreamed that she was safely delivered of a Yorkshire plough, with axes hitched to that useful implement at the perilous moment! Such wonderful exploits raise the imagination, and stimulate sanguine notions, like the Republic of Mexico, to indulge in rapacious and profane dreams. But before the Mexicans yield too plainly to the dominion of such fancies, it might occur to them that the Frenchman was hardly serious, and that the paragon of the Scotch lady was only imaginary. Let us judge the hope that they will dismiss such fantasies, retrench their steps, and free themselves from the retentive justice of this courageous Republic. The giant who can swallow windmills will scarce fear obstructions from butter, no matter what M. Rabelais declares.

We desire peaceful relations with Mexico, and, by every honorable means, would avoid her strife. Her wanton injustice can alone provoke us to injure her Government and humble her pride. As ample evidence of our sincerity, we offer our long and steady endurance of the numerous and unprovoked wrongs which she has piled upon our Government, through the persons and property of our citizens. But she must perceive, in the promptitude and determination of our Government, that we know our rights, and mean to maintain them—"peaceably, if we can; forcibly, if we must." Her honor is our sin. Power is our security. Courage our propriety. And even insignificance shall not shelter her injuries from our insulted justice. Mexico may declare war, or, she may distrust the policy of that open and decisive step, and prefer to aim her arrows in the dark. But she cannot conceal the character of her aggressions from public observation and punishment. Whatever hostile course she may prefer, will be seen and treated by our Government as public war; and if Mexico shall thenceforth continue to exist, she will owe her existence as an independent nation to that mercy and forgiveness, which feebleness implores from the magnanimity of power.

We repeat it—we desire peace with Mexico; but it must be an honorable, a permanent peace. If she strikes us, she is gone. If Arizona dares to carry out his biggest threats, if he ventures to cross the Rio Grande with reinforcements to any little armed post which Mexico may now occupy on the east side of the river, General Taylor will attempt to prevent him; blood must flow—war must ensue. Those armed posts we may not disturb for the present; for our Government acts strictly on the defensive. But let not Arizona, or Paredes, or Filadelfo, or any of the Mexican commanders, affect to cross the river, under the pretence of reinforcing the post which in no danger, but really for the purpose of occupying a territory which the wandering commissioner of Great Britain is said to have estimated (we speak of the mere temporary occupancy) at ten millions of dollars. Still more, if he crosses that river for the purpose of striking at our own military force on its banks, we warn Mexico of the consequences. She must then expect immediate resistance and open war.

We desire peace with Mexico, if it can now be honorably preserved. We desire peace for her sake. We desire it for our own. But if we are to have peace, it must be a lasting, honorable peace. We must seize this opportunity of settling all the points in controversy between the two nations. We must lay deep the foundation of peace. We should suffer no question about boundary—no question about the just claims of our fellow-citizens—no complaint upon doubtful instalments or violated engagements, to rise up again to disturb the tranquillity of the two Republics. Let us make peace, if she pleases. It is much more to her interest to make it than it is to ours; for what can she expect from her miserable resources in a war with the young giant of the United States? But let us make such a peace as we may be able to preserve. Let us not wrap up, in the articles of the treaty, the fatal torch that may soon be destined to consume it.

If, however, she be so intimated as to send her miserable troops into Texas—Texas, whose boundary is the Rio Grande—then we tell Herrera and his Cabinet, Arizona and his soldiers, they will curse the day on which they provoked the vengeance of the United States.

A man named JAMES POLLOCK was examined before the Mayor of the City of Wheeling on the 10th instant and lodged in jail under the following circumstances: Messrs. Houston & Mills received a letter by mail from the Marshall of Cincinnati to be delivered to the Captain of the steamer Commerce on her arrival at Wheeling. The letter requested to retain the baggage of the above-named Pollock, as he was suspected of being one of a gang of counterfeiters. Pollock arrived by stage a few hours before the Commerce, and when he called for his baggage he was apprehended. In one of his trunks was found \$4,700 counterfeit money. He was committed to prison.

A CASE OF TEMPTATION.—The Harrisburg correspondent of the Philadelphia Ledger says:—
"A case of somewhat singular nature came up before the Court on Thursday. A man named ROY, of this borough, for the purpose of inducing a boy in his employ, placed 12½ cents in a vest pocket as a bait for him, (he is about ten years of age), which he stole. ROY prosecuted, and the Grand Jury found a true bill! The counsel for defendant, John Kunkle, Esq., made a most successful defence. He took for his text the most striking part of the Lord's Prayer: 'Lead us not into temptation.' One old gentleman was so pleased that he had ordered Mr. Kunkle a costly gold-headed cane, having engraved thereon, 'Lead us not into temptation!—a just tribute to worth and talent, and a boon that an Emperor might envy. The jury returned a verdict of not guilty. The Judge took occasion to make some remarks, which I think neither the grand jury, the prosecuting attorney, nor the plaintiff relished much."

THE NEWS FROM MEXICO.

We heartily congratulate our readers on the aspect of the news from Mexico which they will find in the Letter of our New Orleans Correspondent published to-day, in so far as it assures us that the Mexican Government, if so disposed, is not likely to be able, under existing circumstances, to bring a force into the field wherewith to cross the Rio Grande. We regret the intestine difficulties of our sister Republic, but we must rejoice that those difficulties will have the effect to take away all pretence for the "vengeance" and the "shedding of blood" denounced by the organs of the Administration against Mexico in the event of her daring to set foot on territory indisputably her own. One cause of very just alarm to the friends of peace and of the national honor is thus happily dissipated.

We felicitate our readers also on the adjournment of the Congress of Mexico not only without a declaration of war, but without having resorted to any measure of a hostile or unfriendly character, which, perhaps as much the weakness of its power as discord at home has disabled it from at present attempting. Thus deferred, we are justified in the hope that the purpose will be altogether postponed, and that the existing differences between the two countries may be finally settled by friendly negotiation.

BUST OF MR. CLAY.

It gives us great pleasure to announce that the Artist who has executed, with what is on all sides considered the most signal success, a bust of the great statesman of our times, has consented to exhibit it here, on his passage northward, for the purpose of finishing it in marble. The plaster in which it is modelled was left for exhibition at the office of the National Intelligencer, where for three days it attracted crowds of visitors.

We find embodied, in a notice upon like occasion in the Richmond Whig, the following particulars of the sculptor and testimonials as to the present performance, which cannot fail to excite great interest, because great confidence:

"We are happy to be able to announce to the Ladies of Richmond, and of the country generally who may be on a visit here, that a bust of MR. CLAY, accurate and expressive almost as life itself, may be seen for two days at the Exchange Concert Room. It was taken by MR. HART, of Kentucky, a native artist, whose genius has already won for him the admiration of the prominent men of the country who have seen his work."

"MR. H. is engaged by the State of Kentucky to execute a marble statue of MR. CLAY, to be placed in the Capitol; and from the concurrent testimony of good judges of statuary, we should think there would be perfect safety in employing this gentleman on the statue which the Whig Ladies of Virginia have determined to erect in honor of MR. CLAY. There would be an appropriateness in having such a work executed by a Kentuckian; and whilst his skill would strike out the full likeness of the great statesman, a suitable reward would be afforded to a deserving man of talents."

"A letter from the Hon. J. F. CHRISTIAN, speaks of this bust in the highest terms of commendation. Referring to Mr. Hart's extraordinary exhibition of genius, as a self-instructed artist, he says: 'His bust of Mr. CLAY is certainly the noblest production of the kind I have ever seen. The celebrated painter, Mr. Healy, who saw it at Lexington, expressed for it and its author the most unbounded admiration, and declared that the bust was superior to any of the kind he had ever seen in Europe; and if it were to be exhibited in Paris, it would at once make the fortune of Mr. Hart.'"

"A letter from the Rev. Dr. BARNES says: 'I cannot for a moment hesitate to give it as my opinion, that the bust of MR. CLAY is in every respect an admirable one; and from my knowledge of Mr. Hart's skill, in the department of statuary, I do not but he will produce an equally admirable statue in marble. The bust I have examined presents Mr. CLAY in the attitude and with the expression usual with him in debate, and the earnestness known to be characteristic of him in any conflict of the kind, blends happily with the repose of ruminative strength, in the general expression of the likeness.'"

"Professor DUBLEY, of Lexington, Kentucky, says of Mr. Hart: 'He has with him a bust of Mr. CLAY, which he has recently taken; a performance which, for accuracy, boldness, and spirit, cannot be surpassed, has never been equalled.'"

"MR. THOMAS F. MARSHALL, in commending Mr. Hart to the notice of President POLK, also refers to his admirable model of GEN. JACKSON, the only likeness ever taken that the General deemed worthy of his especial approval."

If the work has the remarkable truth and life which all thus attribute to it, it must be a very great pleasure, in addition to that which so fine a representation of one so admirable must give, to view the features of the great forest-born Statesman and Orator of the West, wrought out by the hand of a sculptor as self-made.

IOWA ELECTION.

MR. DOBBS is re-elected Delegate by 519 majority. The new Constitution is again rejected by a majority of 317 votes.

FROM TEXAS.

The New Orleans Bee of the 9th instant contains the following:

"The brig *Maria Spears* arrived here yesterday, having left Galveston on the 3d instant. Captain FELT reports that the Convention had not adjourned when he sailed, and no further news had been received from Corpus Christi."

"We have received by this arrived the Galveston *Nice* of the 26th ult. The Convention had adopted the anti-slavery clause engraved on our own Constitution. Lotteries are prohibited. Judges are to be nominated by the Governor and confirmed by two-thirds of the Senate. The term of office is six years. The number of Senators is fixed at twenty-one, and of Representatives at sixty-six."

RIOT IN CANADA.—On Thursday of last week a great number of persons assembled on the Kingston race course, when a serious riot took place between the citizens and a body of soldiers belonging to the 71st British regiment. Many persons were dangerously wounded—in two or three cases mortally. The fight commenced between a sailor and a soldier of the 71st, and parties interferred till the fight became general. The soldiers used their bayonets, and the riot assumed a serious aspect. Major DENNIE, the commanding officer at Kingston, was sent for, and immediately proceeded to the scene of action with two companies of the 71st, to bring off his own men. In doing this, he followed the troops, hurling stones and sticks at their heads for some distance, when the soldiers turned and charged upon the mob and made a number of prisoners. An examination was gone into by the civil authorities, and a good deal of excitement prevailed at Kingston.

A man named Samuel BRAGG was arrested at Troy on Saturday evening charged with forging a set of pension papers by which he had obtained from the Pension Agent, at Albany, about \$400 on a pension due a poor woman in Schaghticoke. There were no less than seven forged signatures to the papers.

EDITORS' CORRESPONDENCE.

NEW ORLEANS, SEPTEMBER 8, 1845.

We had two arrivals yesterday from Mexico, one from Vera Cruz and the other from Tampico, both Mexican vessels. The advices to the 26th ultimo from the city of Mexico give the new Cabinet of HERRERA, but ALMONTE's name does not appear among the members. HERRERA's election does not appear to give satisfaction, but, on the contrary, great discontent exists in the army, and the General appears to be at quelling among themselves. Private letters state that PAREDES, who is at St. Luis de Potosi, had proposed going to the city and leaving his troops under Gen. FILASOLA, but it created such a ferment that he was obliged to remain, and a commission or deputation was sent in his place to represent the state of the army to the new Government. When they were ordered to march towards the Rio Grande, they had but six days' provisions, generally without shoes, but half clothed, and destitute of all the essential supplies for an army, and with but little prospect of being able to obtain them. They had demanded their arrears of pay, and would not move until properly, or at least to some extent, supplied with clothing and stores. Every thing indicates a new revolution as being close at hand; and, though the Constitution of 1824 may be re-established, it is more probable it will result in a stronger Government, with something in fact, though not in name, like a dictator at the head of it. Some exaggerated reports represent the force under PAREDES at three to four thousand men, but the most authentic estimate is at fifteen hundred—such as they are.

The conducta expected at Tampico from ST. LUIS, had not arrived, and it was feared PAREDES may seize it for the wants of the army.

All idea of war with the United States had subsided at Vera Cruz, and it was no longer a subject of conversation there or at the city of Mexico. Congress had adjourned, and of course without making any declaration of war; and the letters of acceptance by the members of the new Cabinet I understand make no allusion to the foreign relations of the country.

A messenger arrived in the vessel from Vera Cruz with despatches for CON. CONWAY and for the Government. He goes to Washington with the present mail. A letter from Gen. TAYLOR expresses great surprise at the war excitement that was existing in this city, as he had no idea of trouble from any Mexican force in that quarter. I infer from this that Gen. GAINES's call for volunteers was not founded on any advices from Gen. TAYLOR.

A leading Locofoco paper, in commenting on my letter of the 18th ultimo in the National Intelligencer, of the 26th, expresses some doubt as to my statement that Gen. GAINES had called upon other States above us to hold their volunteers in readiness; and I see that the "Union," in denying a rumor that the War Department had made a call upon the State of Mississippi, takes occasion to say that no such call had been made in any form. I have only to observe that my statement was made on the authority of Gen. GAINES himself, and, if necessary, can be supported by the testimony of our most respectable citizens, as Gen. G. spoke of it freely and openly to all who conversed with him on the subject. My first information respecting it was seeing it posted on the bulletin-board of the Commercial Rooms in this city; and, on inquiring of the proprietor of the rooms whence he obtained the information, he told me from Gen. G.'s own mouth, having parted from him within the preceding half hour. Any opinions I may express in my letters of course go for only what they are worth, and every one is perfectly at liberty to deny or controvert them by argument or otherwise, but I am unwilling to remain silent when my facts are called in question, even by so high authority as the Union, and hope therefore you will excuse me for troubling you with this explanation.

Since the recent advices the war fever has nearly subsided here, without any expectation that further volunteers will be required. The Government itself even appears to be overdoing it, as I see the "Union" states the force of regular troops there on the way will be 5,000 men. As, however, the Executive had made up its mind to occupy the Texas frontier, it is best to err on the safe side. A part of Gen. TAYLOR's command it is said will be moved up to the Colorado. I think we may make up our minds that there is to be no fighting.

In local matters we are without much of interest. The city continues perfectly healthy, without this far even the report of a single case of fever. The temperature is very pleasant, and we have had daily showers for eight or ten days. On the 5th the rain fell as if a second deluge was approaching. This kind of weather was acceptable to the sugar planters, but at present they want no more of it, but prefer dry and warm weather to mature the cane. The result of the sugar crop will be materially affected by the weather for the next five or six weeks. As already stated, under no circumstances do I expect to see so large a crop as last season.

New cotton is arriving every day more freely. The bulk of the sales are at or under 8 cents. Vessels are also rapidly dropping in and freights rapidly dropping. The rate last week was 9-16d. to Liverpool, but at the close of it one or two ships were taken up at 1-32d. less, say 17-32d. The exports required by Government here have affected exchange; eight drafts on New York are at 1 and 3 per cent. premium, and London 91 per cent.

LATEST FROM THE TEXAS FRONTIER.

FROM THE "DAILY UNION," OF SATURDAY NIGHT.
OFFICIAL—INTERESTING.—Information from General TAYLOR's headquarters, at Corpus Christi, has been received as late as to the 30th of August. Since his last despatch seven companies of the 7th regiment of infantry have arrived at his camp. The General speaks in commendatory terms of the battalion of artillery from New Orleans, under the command of Major Gally.

The gallant Texans are determined to do their duty in defence of their State. President JONES has notified General TAYLOR that he has taken preparatory steps to organize one thousand men for service, if necessary.

General TAYLOR has communicated to General GAINES his wish not to have any more militia force sent from New Orleans to him, not apprehending that there will be any occasion for their services. He states that there is no news from Rio Grande. Some idle rumors are occasionally brought in from that quarter, but the accurate information he possesses so entirely discredits them, that he does not think them even entitled to repetition.

The U. S. steamer *Princeton* sailed from Pensacola on the 5th instant for Vera Cruz, via Corpus Christi. The non-commissioned officers, staff, band, and companies C, D, E, F, and H of the 5th regiment of the U. S. Infantry, numbering in all 270, arrived at New Orleans on the 7th instant by the steamer *Metanora*, from Cairo. They were from Detroit, Michigan, which place they left on the 20th ultimo, and are on the route to Texas, to join the army under Gen. TAYLOR.

MR. WISE—AFRICA AND BRAZIL.

FROM THE BALTIMORE AMERICAN.

A mercantile friend has handed to us for publication the annexed letter, received from an American merchant residing in the Brazilian capital:

RIO DE JANEIRO, JULY 1, 1845.

I observe the United States papers are filled with statements of and remarks upon the proceedings of Mr. WISE at this place, in relation to vessels and persons engaged in the trade to the coast of Africa. Most of the details given are erroneous, proceeding evidently from persons who knew only what was presented to the eye, being entirely ignorant of the causes and character of the several proceedings.

On the arrival of Mr. WISE at this Court, he received information that many American vessels were engaged in unlawful voyages to the coast of Africa, "aiding and abetting the slave-trade." And, although some of the statements made to him were false, yet they were given with such detail of circumstance and names of vessels and persons, and rendered so credible by the well-attested criminality of one or more Americans on that coast, that he felt himself commanded, not only by duty to his Government and country, but by the common laws of humanity, to investigate the charges, and, if true, to exert every means in his power to subvert the laws of his country, and prevent the slightest participation on the part of Americans in so barbarous a traffic. Now, what has he done? He advised the arrest of the captain and mate of the brig *Hebe*. It is a notorious fact, among other charges, that the captain permitted a slave-ship to be fitted on board the vessel while under American colors in a port of Brazil, previous to sailing for the coast of Africa, where she was delivered up to the Portuguese purchaser. Now, will any one say that Mr. WISE, with a knowledge of this fact, would not have been criminally negligent of his duty if he had not advised that the captain and mate of this vessel should be arrested and sent home for trial? I think not.

Then the case of the brig *Porpoise*. She arrived from the coast of Africa; and Commander TURNER, and through him the United States Consul, were informed that she actually had slaves on board.

The Consul went off and obtained the assent of the *guarda-mar* (the chief custom-house officer) that a guard, sent by Commander TURNER, should remain on board the *Porpoise* until Mr. WISE could communicate with the Minister of Foreign Affairs, to obtain the assent or dissent of this Government to her being held and sent to the United States for trial.

The Minister of Foreign Affairs had confirmed to Mr. WISE the privilege of holding the *Porpoise* until the matter could be maturely deliberated upon, and this Government decide upon the course to be pursued. And in this position of the affair, while the representatives of the United States were acting under the authority of the Minister of Foreign Affairs, the Minister of Justice, without concert or consultation with the Minister of Foreign Affairs, sent off an armed force to expel Commander TURNER's guard and take possession of the *Porpoise*, being fool enough to believe she would be immediately given up, and expecting to immortalize himself by a bloodless achievement in arms. But he was soon aroused from his martial reverie to the truth of the American character. Mr. WISE had claimed no jurisdiction in the case. The vessel was held by the courteous permission of that branch of this Government with which alone it belongs to a foreign Minister to communicate, and Mr. WISE was not disposed tamely to submit to the rude and threatening violence of another branch of the Government.

The Minister of Foreign Affairs was much alarmed. The Minister of Justice talked blood and havoc, and demanded the surrender of the *Porpoise*. Mr. WISE told him he could do nothing while he held an armed arm. He must withdraw his force, and then he was obliged to negotiate.

The forces were recalled, and then, by request of the Minister of Foreign Affairs, (who had come to the conclusion that the matter must be referred to the tribunals of Brazil,) the American guard was withdrawn, and the vessel and crew delivered up to the authorities of the country from whose jurisdiction there never had been any intention to take them, save with the consent of this Government. The vessel was afterwards delivered to the United States Consul, and the captain and crew sent home.

By some, Mr. WISE is accused of violating the laws of nations, and invading the jurisdiction of Brazil, in causing the arrest of the *Porpoise*. By others, he is censured for not disregarding the jurisdiction of Brazil, and continuing to hold her. Commander TURNER, on the other hand, is accused of doing at the same time, it appears impossible that he should please all his countrymen.

It will be seen from the above stated facts that the *Porpoise* was arrested with the consent of this Government, and that she was given up to the authorities of the country as soon as the Minister of Foreign Affairs made the request. Hence, there was no violation of Brazilian jurisdiction, and it is as clearly shown that the rule of force by the Minister of Justice was totally disregarded. Mr. WISE's relations were entirely with the Minister of Foreign Affairs, and with him only would he negotiate. All acquainted with Mr. WISE know well that to yield to threats is no part of his nature.

His course in relation to the African trade is admitted by his countrymen in Rio de Janeiro, the general right; and, if, in continuing such a course, any violation has fallen upon the agent, it is only what occurs in the application of the laws in all countries, upon all matters. It is fully in the power of the innocent to prove their innocence, and for the stipulations of the guilty he should not care.

His searching investigations have developed facts occurring in the African trade, of which the American merchants of this place were entirely ignorant; and his action has done more for the suppression of the slave trade than all the British men-of-war upon the African coast. At the same time, it should not be forgotten that he has not intended to prejudice the legal trader, for we know that voyages can be made to the coast of Africa without violating any law or policy of the United States; and Mr. WISE unhesitatingly says that voyages may be made there as strictly legal as to any other country, and that he wishes to see such voyages encouraged.

MR. WISE has been charged with being precipitate and violent—accusations which are as false as they are absurd. He looks upon every American as his brother, and is prepared to go all lengths to save countrymen and countrymen; and there is not an American in Brazil who, if involved in difficulty, would not look to him with confidence as his efficient advocate. And it is much to be hoped, for the credit of our country, that party feeling at home may not lead to his recall, and the substitution of some tame creature, who will sleep upon his post, as inefficient as he may be inefficient.

AN AMERICAN MERCHANT.

STATUE OF MR. CLAY.

FROM THE RICHMOND WHIG OF MONDAY.

We are authorized by the Assistant Treasurer of the Fund, Miss ELIZA M. RICHMOND, to announce to the Whig Ladies of Virginia that there is now a certainty that the statue will be erected. The amount in hand is not quite sufficient, but no doubt is entertained that when the several sums collected in many of the counties and those within reach by a little exertion shall have been added, the collections will be ample. Let the ladies, however, make no more effort between this time and the meeting of the Legislature, so that whatever funds are yet accessible and not transmitted may be sent by the hands of the members.

The ladies have nobly redeemed their pledges, and shown that their veneration for the great statesman has been something more substantial than mere words, and that the efforts of their editors would be confounded and silenced.

Whig editors throughout the State will give the word round that the statue is to be erected, and that those who desire to have a share in the honor must act promptly.

The bones of ABRAHAM VAN GROENING, Esq., of the firm of PARSONS & GROENING, who was buried beneath the ruins of No. 43 Broadway, New York, at the time the great fire, were recovered on Wednesday afternoon, and recognized by his partner by means of part of his pantaloons, which were under him. He had gone into No. 42 Broadway, occupied by Messrs. OELRICHS & KRUGER, and was assisting in the removal of their goods at the time of the explosion.

ARRIVAL OF A SLAVE.—The brig *Albert*, of Boston, arrived at Philadelphia on Sunday from Bahia, in charge of an officer of the United States Brig *Bainbridge*. The *Albert* had been sent home at the instance of ALEXANDER H. TYLEE, Esq., United States Consul at Bahia, on the charge of being engaged in the slave trade, between the Coast of Africa and Brazil, in conjunction with brig Washington's barge, late of Philadelphia. The first officers and crew of the Washington's barge have been brought home prisoners in the *Albert*. Captain Woodbury, late master of the *Albert*, effected his escape prior to her sailing.

OFFICIAL.

CIRCULAR TO OFFICERS OF THE CUSTOMS.

TREASURY DEPARTMENT, SEPT. 11, 1845.

In the circular instructions from this Department, addressed to Collectors and Naval Officers by my predecessor, on the 5th August, 1844, I have observed the following paragraphs:

"The Charge d'Affaires of his Majesty the King of the Netherlands has presented a complaint that the duty of twenty per cent. ad valorem levied upon coffee imported from the ports of the Netherlands is in contravention of the subsisting treaties between the United States and the King of the Netherlands, seeing that by the ninth section of the act of 1842 coffee imported in vessels of the United States from the place of growth or production, is exempt from duty. 'By the first article of the treaty of 1820 between the United States and the United Netherlands, it is stipulated that goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States from or to the ports of the Netherlands in Europe in vessels of the Netherlands, shall pay no other or higher duties than shall be levied on the like goods and merchandise imported or exported in national vessels.' As coffee imported in the vessels of the United States is exempt from duty, it follows from the treaty before recited that coffee imported in the vessels of the Netherlands from their ports in Europe is exempt from duty. Therefore, the duties ad valorem of twenty per cent. levied upon coffee so imported must be refunded, and in future coffee so imported must be admitted free of duty."

It has necessarily followed from practising these instructions that while the coffee of Java, imported in vessels of the Netherlands from ports in the Netherlands, has been exempted from duty on its arrival in the United States, the same article when imported in American vessels from the same ports in the Netherlands has been subjected, under the provision of the tenth section of the tariff act of 30th August, 1842, to the payment of a duty of twenty per cent. ad valorem as a non-enumerated article.

My attention having been directed to the subject, and it being found difficult to conceive that any provision or stipulation in a treaty with a foreign Power could have been intended on the part of the United States to place the vessels of that foreign Power or their cargoes on a more favorable footing in ports of the United States than vessels of the United States or their cargoes, a careful examination was made of the terms of the treaty with the Netherlands to which reference is had, which examination has resulted in a full confirmation of the opinion, as at first entertained, that no such provision or stipulation is contained therein.

The stipulation in the first article of the treaty of 19th January, 1820, referred to by my predecessor, is found to be in the following words:

"Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States, from or to the ports of the Netherlands in Europe, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels."

The words "so imported," used as above quoted, plainly and unequivocally qualify and limit the privileges or immunities granted to vessels of the Netherlands and their cargoes arriving in ports of the United States from ports in the Netherlands. It will be observed that the important qualifying word "so" is omitted in the reference made to the terms of the treaty in the Treasury instructions of August, 1844, an inadvertence in quotation which may have led to the erroneous conclusion arrived